

# City of Duluth

## Notice to Employee Requesting Leave

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The Family and Medical Leave Act of 1993 (FMLA) requires covered employers to provide written notice to employees requesting certain forms of leave. The purpose of this notice is to enumerate the employee expectations and obligations, and to explain the consequences of failure to meet these obligations.

- 1) If the requested leave qualifies as family leave under the FMLA, the leave taken will be counted against the entitlement of up to twelve (12) work weeks of family leave during any twelve (12) month period.
- 2) If the purpose of the requested leave is to care for a spouse, parent or child with a serious health condition, the employee must submit certification to the Human Resources (HR) office. The certification must come from a qualified health care provider and contain the information described in the "Physician or Practitioner Certification". Certification forms are available online at [www.ci.duluth.mn.us/city/employment](http://www.ci.duluth.mn.us/city/employment) under Human Resources Forms or at Human Resources, Room 313 City Hall, 730-5210. Failure to submit certification will result in the denial of your leave request.
- 3) If the purpose of the requested leave is because of the employee's serious health condition, the employee must complete Section I of the City of Duluth "Fitness for Duty Report" form authorizing medical care providers to furnish information regarding the employee's current and future capacity to work. Failure to sign and return this form to HR will result in the denial of your leave request. Additionally, the employee may be required to submit a fitness-for-duty certification before returning to work.
- 4) The employee is required to substitute paid leave for family leave under conditions described in the City's leave of absence policy and procedure, which can be found on the City's website at [www.ci.duluth.mn.us/city/employment](http://www.ci.duluth.mn.us/city/employment) under City Policies & Procedures.
- 5) For **unpaid** family leaves of more than 30 days, the employee may elect to continue health benefits during the family leave period. Arrangements must be made with the Employee Benefits Administrator located in HR (218) 730-5204.
- 6) Upon returning from an unpaid family leave, unless one of the exceptions in the law applies, an employee will be restored to the position of employment held when the leave commenced or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
- 7) If the employee fails to return to work following an unpaid family leave or returns to work, but fails to stay 30 calendar days for reasons other than the commencement or continuation of the employee's serious health condition (entitling the employee to sick leave in accordance with the applicable labor agreement), or for other circumstances beyond the employee's control (as described in FMLA regulations), the City will recover the premiums it paid for maintaining health benefits coverage for the employee during the leave period. If the employee elects to continue health benefits during the family leave, but fails to pay his/her share of the premium, the City will cancel the health benefits.